

PROPOSED AMENDMENT

SB 229 # 7

DIGEST

Proposed amendment to SB 229.

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 34-28-7-2, AS AMENDED BY P.L.114-2012,
4 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 2. (a) Notwithstanding any other law and except
6 as provided in subsection (b), a person may not adopt or enforce an
7 ordinance, a resolution, a policy, or a rule that:
8 (1) prohibits; or
9 (2) has the effect of prohibiting:
10 an employee of the person, including a contract employee, from
11 possessing a firearm or ammunition that is locked in the trunk of the
12 employee's vehicle, kept in the glove compartment of the employee's
13 locked vehicle, or stored out of plain sight in the employee's locked
14 vehicle.
15 (b) Subsection (a) does not prohibit the adoption or enforcement of
16 an ordinance, a resolution, a policy, or a rule that prohibits or has the
17 effect of prohibiting an employee of the person, including a contract
18 employee, from possessing a firearm or ammunition:
19 ~~(1) in or on school property; in or on property that is being used~~
20 ~~by a school for a school function; or on a school bus in violation~~
21 ~~of IC 20-33-8-16 or IC 35-47-9-2;~~
22 ~~(2)~~ (1) on the property of:
23 (A) a child caring institution;
24 (B) an emergency shelter care child caring institution;
25 (C) a private secure facility;
26 (D) a group home;
27 (E) an emergency shelter care group home; or
28 (F) a child care center;
29 in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465

IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470
IAC 3-4.7-19;

~~(3)~~ **(2)** on the property of a penal facility (as defined in
IC 35-31.5-2-232);

~~(4)~~ **(3)** in violation of federal law;

~~(5)~~ **(4)** in or on property belonging to an approved postsecondary
educational institution (as defined in IC 21-7-13-6(b));

~~(6)~~ **(5)** on the property of a domestic violence shelter;

~~(7)~~ **(6)** at a ~~person's~~ **the employer's** residence;

~~(8)~~ **(7)** on the property of a person that is:

(A) subject to the United States Department of Homeland
Security's Chemical Facility Anti-Terrorism Standards issued
April 9, 2007; and

(B) licensed by the United States Nuclear Regulatory
Commission under Title 10 of the Code of Federal
Regulations;

~~(9)~~ **(8)** on property owned by:

(A) a public utility (as defined in IC 8-1-2-1) that generates
and transmits electric power; or

(B) a department of public utilities created under IC 8-1-11.1;
or

~~(10)~~ **(9)** in the employee's personal vehicle if the employee,
including a contract employee, is a direct support professional
who:

(A) works directly with individuals with developmental
disabilities to assist the individuals to become integrated into
the individuals' community or least restrictive environment;
and

(B) uses the employee's personal vehicle while transporting an
individual with developmental disabilities.

SECTION 2. IC 35-31.5-2-285, AS ADDED BY P.L.114-2012,
SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2014]: Sec. 285. **(a)** "School property", **except as provided
in subsection (b)**, means the following:

(1) A building or other structure owned or rented by:

(A) a school corporation;

(B) an entity that is required to be licensed under IC 12-17.2
or IC 31-27;

(C) a private school that is not supported and maintained by
funds realized from the imposition of a tax on property,

income, or sales; or

(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:

(i) A Head Start program under 42 U.S.C. 9831 et seq.

(ii) A special education preschool program.

(iii) A developmental child care program for preschool children.

(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).

(b) "School property", for purposes of IC 35-47-9, means a building or other structure:

(1) owned or rented by:

(A) a school corporation;

(B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;

(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or

(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including a:

(i) Head Start program under 42 U.S.C. 9831 et seq.;

(ii) special education preschool program; or

(iii) developmental child care program for preschool children; and

(2) that is being used exclusively by a school for a school function.

The term does not include parking lots adjacent to and owned or rented in common with a building or other structure described in this subsection if the parking lots are used by a person who is not enrolled as a student in any high school or is a high school student and is a member of a shooting sports team, and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on days the person is competing or practicing as a member of the shooting sports team. As applied to a person enrolled as a student in any high school who is not a member of a shooting sports team, the term includes parking lots

adjacent to and owned or rented in common with a building or other structure described in this subsection."

Page 5, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 5. IC 35-47-9-1, AS AMENDED BY P.L.172-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter does not apply to the following:

(1) A:

(A) federal;

(B) state; or

(C) local;

law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:

(A) a school board (as defined by IC 20-26-9-4); or

(B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

(3) A person who:

(A) may legally possess a firearm; and

(B) possesses the firearm in a motor vehicle that is being operated ~~by the person~~ to transport another person to or from a school or a school function.

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.

(5) A person who:

(A) may legally possess a firearm; and

(B) possesses a firearm that is:

(i) locked in the trunk of the person's motor vehicle;

(ii) kept in the glove compartment of the person's locked motor vehicle; or

(iii) stored out of plain sight in the person's locked motor vehicle.

For purposes of this subdivision, a person does not include a person who is enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on the days the person is competing or practicing as a member of a shooting sports team.

SECTION 6. IC 35-47-9-2, AS AMENDED BY P.L.172-2013,

SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a) Except as provided in subsection (b)**, a person who *knowingly or intentionally* possesses a firearm:

(1) in or on school property; *or*

(2) *in or on property that:*

(A) is not school property; and

(B) is being used by a school for a school function; or

(3) ~~(2)~~ on a school bus;

commits a ~~Class D~~ Level 6 felony.

(b) A person who:

(1) may legally possess a firearm; and

(2) recklessly possesses a firearm that is left in a motor vehicle in plain view and is not:

(A) locked in the trunk of the person's motor vehicle;

(B) kept in the glove compartment of the person's locked motor vehicle; or

(C) stored out of plain sight in the person's locked motor vehicle;

commits a Class A misdemeanor."

Renumber all SECTIONS consecutively.

(Reference is to SB 229 as printed January 24, 2014.)